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United Nations High Commissioner for Refugees

Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

Fifty-fourth session (29 September-3 October 2003)

General Assembly
Official Records
Fifty-eighth Session
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Note

Symbols of United Nations documents are composed of capital letters combined with figures.

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II. Opening statement by the High Commissioner

III. Chairman's summary of the general debate

I. INTRODUCTION

A. Opening of the Session

1. The Executive Committee of the High Commissioner's Programme held its fifty-fourth session at the Palais des Nations in Geneva, from 29 September to 3 October 2003. It was opened by the outgoing Chairman, His Excellency, Ambassador Fisseha Yimer (Ethiopia).

2. In a statement to the Committee, the outgoing Chairman, His Excellency, Ambassador Fisseha Yimer (Ethiopia), commented on the challenges that the United Nations and the international community had faced in the previous year, expressing grave concern about the worsening security situation facing humanitarian workers.

3. During his mission on behalf of the Executive Committee to Ethiopia, the United Republic of Tanzania and Zambia in May 2003, the Chairman had been disturbed by the general inadequacy of the levels of assistance for refugees as well as for host communities. He challenged the international community to do more to overcome the repercussions of funding shortages on the refugees. Interim solutions were needed for refugees in protracted situations to enable them to preserve their dignity and regain a sense of control over their lives. More support should be given to host countries that have embarked on integration and reintegration activities, including development activities for affected local communities in refugee hosting areas. He was impressed by the constructive work being carried out by UNHCR and partner NGOs in the field and he recommended stronger financial and political support, particularly for indigenous NGOs.

B. Election of Officers

4. Under Rule 10 of its Rules of Procedure, the Committee elected the following officers by acclamation:

Chairman: H.E. Ambassador Jean-Marc Boulgaris (Switzerland)

Vice-Chairman: H.E. Ambassador Alfredo Vicente Chiaradia (Argentina)

Rapporteur: Ms. Laura M. Joyce (South Africa)

C. Representation on the Committee

5. The following members of the Committee were represented at the session:

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, China, Colombia, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Ecuador, Ethiopia, Finland, France, Germany, Greece, Guinea, Holy See, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kenya, Lebanon, Lesotho, Madagascar, Mexico, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Poland, Republic of Korea, Russian Federation, Serbia and Montenegro, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Venezuela, Yemen.

6. The Governments of the following States were present as observers:

Afghanistan, Albania, Angola, Armenia, Azerbaijan, Bahrain, Belarus, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Central Republic of Africa, Congo, Croatia, Cuba, Czech Republic, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Gabon, Georgia, Ghana, Honduras, Iceland, Indonesia, Iraq, Jordan, Kazakhstan, Latvia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Mauritius, Mauritania, Myanmar, Nepal, Oman, Panama, Portugal, Republic of Moldova, Romania, Rwanda, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Sri Lanka, Swaziland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tajikistan, Ukraine, United Arab Emirates, Uzbekistan , Zambia, Zimbabwe.

7. Palestine was represented as an observer.

8. Also present as observers were: African Union (AU), Council of Europe, European Community (European Commission /Council of the European Union), Economic Community of West African States (ECOWAS), International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC), International Organization for Migration (IOM), League of Arab States, Organization of the Islamic Conference (OIC), Sovereign Military Order of Malta.

9. The United Nations system was represented as follows:

United Nations Office at Geneva (UNOG), Office of the United Nations High Commissioner for Human Rights (OHCHR), Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Children's Fund (UNICEF), United Nations Population Fund (UNFPA), United Nations Development Programme (UNDP), United Nations Volunteers (UNV) United Nations Environment Programme (UNEP), United Nations Relief and Works Agency for Palestine Refugees in the Near-East (UNRWA), United Nations Human Settlements Programme (Habitat), World Food Programme (WFP), United Nations Institute for Training and Research (UNITAR), International Labour Organization (ILO), Food and Agricultural Organization of the United Nations (FAO), World Health Organisation (WHO), World Intellectual Property Organization (WIPO).

10. A total number of 59 non-governmental organizations were represented by observers.

D. Adoption of the Agenda and other Organizational Matters

11. The Executive Committee adopted by consensus the following agenda (A/AC.96/982):

1. Opening of the Session
2. Election of Officers
3. Adoption of the Agenda and other Organizational Matters
4. Presentation by the High Commissioner and General Debate
5. Guest Speaker

6. Reports on the Work of the Standing Committee

   (a) International Protection

   (b) Programme, Administrative and Financial Matters

7. Consideration and Adoption of Revised Programme Budget for 2003 and proposed Programme Budget for 2004

8. Oversight activities

9. Meetings of the Standing Committee in 2004

10. Consideration of the Provisional Agenda of the Fifty-fifth Session of the Executive Committee

11. Other statements

12. Any other business

13. Adoption of the Report of the Fifty-fourth Session of the Executive Committee

14. Closure of the Session

E. Opening Statement by the Chairman of the Executive Committee

12. The incoming Chairman, His Excellency, Ambassador Jean-Marc Boulgaris (Switzerland), then underlined the key importance of UNHCR's mandate, adding that its dedication and capacity to undertake humanitarian work in complex situations made it a close partner of Switzerland. He was convinced that, through the implementation of the UNHCR 2004 process, the Office could play a vital role in improving the coherence and quality of United Nations humanitarian and transition-oriented work. Strategies such as the "4Rs" and cooperation with NGOs and other specialized agencies were also essential elements in meeting this objective.

13. Areas which merited special focus in the year ahead included the implementation of UNHCR 2004 on which further consultations would be needed to identify measures for improving the efficacy of the Executive Committee and the Standing Committee, including the participation of NGOs. Financial management would be another topic of discussion, notably the thorny question of funding and the Office's efforts to enlarge and diversify its donor base, including in the private sector. In relation to the implementation of the Agenda for Protection, the Chairman felt that the organization and the Executive Committee needed to set priorities within the framework of the mandate and available resources.

14. In closing, he spoke of his intention to encourage a high quality exchange amongst member States and UNHCR, notably through informal exchanges with observer States and with other concerned organizations. He anticipated that the ExCom Bureau would play an important liaison role between the Committee and the Office. Lastly, he promised punctuality in the working sessions of the Committee, so that it could make optimum use of the time at its disposal.

II. WORK OF THE FIFTY-FOURTH SESSION

15. The High Commissioner delivered an opening statement as the basis for the general debate. This statement is contained in Annex II. A summary of the general debate, provided by the Chairman, is found in Annex III.[1]

16. The High Commissioner's guest speaker, Mr. Jan Egeland, recently appointed as United Nations Emergency Relief Coordinator (ERC) and head of OCHA, spoke of the international community's moral and legal responsibility to address today's needs in a principled and effective way. The challenges faced included the erosion of the asylum regime, forgotten emergencies and the need for durable solutions to avoid further regional and international instability. The coming year for UNHCR as it reviewed how to better fulfil its mandate and obligations would be significant. It was important to create conditions to meet refugee needs in a more effective manner. He described what he saw as two facets of UNHCR: firstly as a critical component of the United Nations integrated response and assistance system; and secondly as a standard-setter, leader and advocate.

17. The ERC believed that the United Nations today needed to forge a stronger humanitarian agenda based around some key policy issues. These included the right of access of the United Nations organizations to affected populations in order to assist and protect vulnerable communities, which implied being committed to staying on in zones of conflict where there was humanitarian need, taking all possible measures to prevent danger to staff. Another important issue was that of "forgotten refugees" and "forgotten emergencies". Humanitarian assistance should be provided strictly on the basis of needs, irrespective of the pressures of politics driven by crises in the eye of the world's attention. A third priority was to advance the debate on transition issues to ensure political action and long-term development initiatives after humanitarian interventions. UNHCR's Framework for Durable Solutions was an important contribution in this respect.

18. The "collaborative approach" to the needs of internally displaced persons (IDPs) was a promising framework, but it needed to be effectively implemented through clearer mandates, sufficient resources and strong motivation. More rapid planning and decision-making on roles and divisions of labour for the benefit of the displaced was required, coupled with improved funding. In closing, he reiterated the need for active solidarity from member States, in particular to improve humanitarian workers' security.

III. DECISIONS AND CONCLUSIONS OF THE EXECUTIVE COMMITTEE[2]

A. Conclusion on proposals arising from the UNHCR 2004 process

19. *The Executive Committee*,

Welcoming the dialogue in the Executive Committee of the High Commissioner's Programme on the issues raised by the UNHCR 2004 process,

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[1] See summary records of the session for a full account of the deliberations of the Committee, including the statements or other intervention by delegations under all agenda items, as well as closing statements by the High Commissioner and by the Chairman.

[2] Decisions adopted by the Standing Committee at inter-sessional meetings in 2003 are listed in Annex I.

Recognizing that UNHCR is facing a multitude of new and emerging challenges that affect its work, including those linked to globalization, the rise of terrorism, humanitarian action in the context of international politics, complex conflict and post-conflict environments, and evolving responsibilities,

Reaffirming that the 1951 Convention and the 1967 Protocol are the foundation of the international refugee regime and recalling the contribution of the Agenda for Protection to strengthening the international framework for refugee protection,[3]

(a) *Notes* with interest the Report of the High Commissioner[4] on the Strengthening of the Capacity of the Office to carry out its Mandate, as called for by resolution 57/186, prepared after consultation with the Secretary-General and members of the Executive Committee of the High Commissioner's Programme and the observers of its Standing Committee;

(b) *Supports*, in view of the Report of the High Commissioner,[5] the continuation, from 1 January 2004, of the Office of the United Nations High Commissioner for Refugees on the basis of its Statute[6] until the refugee problem is solved, thereby removing the time-limitation contained in operative paragraphs 1 and 2 of resolution 57/186;

(c) *Recognizes* UNHCR's lead role in international protection of refugees and the promotion of solutions to refugee problems, and encourages the Office to continue to act consistently and proactively, in conjunction with States and within the framework of overall coordination responsibilities,[7] wherever appropriate;

(d) *Expresses* support for UNHCR's activities in relation to stateless persons,[8] in particular the provision of technical and advisory services; and *notes* the aim of UNHCR to further extend these to all parts of the world where statelessness is a problem;

(e) *Recalls* UNHCR's competence to provide protection and assistance to internally displaced persons in certain situations, consistent with relevant General Assembly resolutions "on the basis of specific requests from the Secretary-General or the competent organs of the United Nations and with the consent of the State concerned, taking into account the complementarities of the mandates and expertise of other relevant organizations, and provided that activities on behalf of internally displaced persons must not undermine the institution of asylum"[9] and that adequate resources are made available to UNHCR; and *emphasizes* the need for coordination, both within the United Nations system and beyond, as well as the importance of ensuring an inter-agency and collaborative approach, including with the Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee of the Red Cross (ICRC) and members of the Inter-Agency Standing Committee (IASC), when responding to the needs of internally displaced persons;

(f) *Recognizes* the coordination role of the United Nations Emergency Relief Coordinator in the United Nations system's response to internally displaced persons;

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[3] A/RES/57/187.

[4] A/AC.96/980.

[5] A/AC.96/980, paras. 13-15 and Action 1

[6] UNHCR's Statute is contained in annex to General Assembly resolution 428 (V).

[7] A/RES/46/182.

[8] A/56/12/Add.1.

[9] A/RES/53/125, para. 16.

and *encourages* UNHCR to consult with and support the Emergency Relief Coordinator in the promotion of predictable and timely United Nations strategies aiming to find durable solutions for refugees and internally displaced persons within an integrated approach, whenever appropriate;

(g) *Notes* the High Commissioner's initiative to engage in enhanced information-sharing and an ongoing dialogue with the Emergency Relief Coordinator on UNHCR's operations that benefit internally displaced persons, as a means of contributing to more predictability within the United Nations system;

(h) *Recognizes*, in the context of refugees and other persons of concern to UNHCR returning to their places of origin, the Office's protection and assistance functions; and *recommends* that its work as a catalyst for development with development agencies should be in keeping with their respective mandates, with a view to encouraging sustainable return through integrated inter-agency planning, that allows for the establishment of transition strategies, including support to the communities receiving such persons;

(i) *Notes* with interest the High Commissioner's Framework for Durable Solutions, which includes 4Rs (Repatriation, Reintegration, Rehabilitation and Reconstruction) and DAR (Development Assistance for Refugees), and emphasizes that it should complement other United Nations tools and processes, such as the forthcoming implementation plan prepared by the Executive Committee on Humanitarian Affairs/United Nations Development Group (UNDG) Working Group on Transition Issues and the Common Country Assessment/the United Nations Development Assistance Framework;

(j) *Welcomes* UNHCR's admission to the UNDG; and *invites* UNHCR to pursue with the UNDG member organizations, through the Resident Coordinator/Humanitarian Coordinator and the United Nations Country teams and in consultation with the government concerned, the inclusion, in the formulation and implementation of their development programmes, of the needs of refugees, repatriating refugees, and, if applicable, of other persons of concern to UNHCR;

(k) *Invites* States to consider the potential for using development assistance to promote durable solutions and self-reliance activities for refugees and communities hosting them as well as for the sustainable reintegration of refugees in their countries of origin;

(l) *Welcomes* the High Commissioner's intention to organize, in consultation, including on financial implications, and in conjunction with the Executive Committee and within the time allotted to its annual session, a ministerial meeting involving States Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol and other members and observers of the Executive Committee normally within every 5 years, as a means to give a higher profile to refugee issues and to promote the objectives of the 1951 Convention and its 1967 Protocol;

(m) *Decides*, in cooperation with UNHCR, to consider measures to improve the efficiency and effectiveness of the Executive Committee and that of its Standing Committee, including NGO participation, preferably before the end of its 55th session and accordingly requests the Bureau to initiate the necessary consultations;

(n) *Supports* the High Commissioner reporting annually on an oral basis to the Economic and Social Council to keep it informed on the coordination aspects of the work of UNHCR, and presenting a written report to the General Assembly;[10] and *recommends* that the High Commissioner undertake every ten years, in consultation with the Secretary-General and the Executive Committee/ministerial meeting referred to in paragraph (l) above, a detailed review of the global situation of refugees and the role of his Office, and report thereon to the General Assembly, beginning in the 68th session;

(o) *Welcomes* UNHCR's efforts to enhance linkages with the United Nations system, in particular with the Office of the Secretary-General and the humanitarian and peace and security pillars; *highlights* the importance of joint efforts of the United Nations Departments of Political Affairs and Peace-keeping Operations, together with UNHCR, which contribute to solutions for refugees; and *encourages* UNHCR to play, including through sharing information with relevant United Nations fora, a more active role, and stresses that all of these activities should be undertaken in a way consistent with UNHCR's mandate;

(p) *Welcomes* UNHCR's support for the Inter-Agency Standing Committee (IASC) and encourages the Office to continue to work cooperatively within the IASC for its further development, particularly concerning the strengthening of field coordination and, encourages cooperation with OCHA, including on the use of the Consolidated Appeals Process as an instrument for enhanced coordination, strategic planning and resource mobilization;

(q) *Encourages* UNHCR to enhance its relationship with the Office of the United Nations High Commissioner for Human Rights (OHCHR), particularly at the field level, in the implementation of their respective mandates;

(r) *Encourages* UNHCR to continue to enhance its partnerships with relevant NGOs, recognizing their important roles as advocates, humanitarian actors, and operational and implementing partners of UNHCR, including through involving them directly in operational assessment, planning and effective sharing of information, as well as to search for new opportunities and resources to meet the needs of refugees through strengthened strategic and operational partnerships;

(s) *Encourages* UNHCR to reinforce its efforts, in close collaboration with States and other partners, to strengthen protection in regions of origin, including through capacity-building activities in refugee hosting countries, especially in the areas of registration and refugee status determination;

(t) *Recognizes* the need for UNHCR to contribute, within its mandate, to ensuring that the needs of refugees and asylum-seekers are properly met within the broader context of migration management, while also recognizing the difference between forced and voluntary migration;

(u) *Notes* with appreciation UNHCR's endeavours to foster alliances with the International Organization for Migration (IOM) and other relevant international organizations to continue to identify ways to attain maximum complementarities pertaining to the asylum/migration nexus and looks forward to receiving reports on developments;

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[10] Para. 11 of UNHCR's Statute.

(v) *Notes* with interest UNHCR's Convention Plus initiative and encourages it to explore and facilitate the development of Convention Plus special agreements through the High Commissioner's Forum, to build upon the 1951 Convention and its 1967 Protocol, aimed at developing comprehensive approaches to resolve refugee situations, including by improving international burden and responsibility sharing and realizing durable solutions;

(w) *Expresses* support for UNHCR's share of the United Nations Regular Budget to be allocated in an incremental manner to reach a level consistent with the Office's Statute;[11]

(x) *Reaffirms* the continued voluntary nature of UNHCR's funding in accordance with the Statute of the Office, while recognizing the equal importance of contributions made by countries hosting refugees, especially by developing countries; and *requests* that States, within their capacities, contribute to the full funding of the budget level approved by the Executive Committee;

(y) *Expresses* concern over the recurring shortfall in funding UNHCR; and notes the need for more equitable international responsibility and burden sharing as outlined in the Report of the High Commissioner;[12] *welcomes* UNHCR's efforts to broaden the Office's donor base and to diversify funding sources, including through the private sector; *welcomes* the High Commissioner's intention to engage in bilateral consultations with States regarding their contributions to the Office; *invites* States that so wish to apply, in the manner they choose, the 30% Base Level approach, which will be implemented on a pilot basis; and *calls on* UNHCR to report on the implementation of the pilot to the Executive Committee and its Standing Committee.

B. Conclusion on International Protection

20. *The Executive Committee,*

General

(a) *Welcomes* this year's Note on International Protection[13] which focuses on the operational, legal and policy, as well as promotional tools of protection; *notes* with concern the manifold protection problems and challenges identified by the Note, while appreciating the range of field initiatives undertaken by UNHCR, in cooperation with States, to operationalize protection;

(b) *Recognizes* that international protection is both a legal concept and at the same time very much an action-oriented function, directly benefiting millions of refugees and others of concern to UNHCR.

(c) *Notes* in this context that the delivery of international protection is a staff-intensive service at the core of UNHCR's mandate which requires the Agency to have adequate protection staff with the appropriate expertise;

(d) *Welcomes* the accession of Ukraine and Timor-Leste to the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol, bringing the number of States party to either one or both instruments to one hundred and forty-

[11] Para. 20 of UNHCR's Statute.
[12] A/AC.96/980, paras. 53-61.
[13] A/AC.96/975.

five; and in view of the global character of the refugee problem, urges States which are not yet parties to consider acceding; and *stresses* the importance of their full implementation by States;

(e) *Appreciates* that the design of realistic protection policy directions for the future rests on the indispensable base of the 1951 Convention and its 1967 Protocol as well as additional initiatives, such as the Agenda for Protection and arrangements which may develop through "Convention Plus";

(f) *Recognizes* the importance for States to promote an age and gender-sensitive approach in the application of international refugee instruments and for UNHCR to ensure consideration of age and gender in its policy making and operations through further mainstreaming;

(g) *Recognizes* that countries of asylum often carry a heavy burden, in particular, developing countries, countries in transition and countries with limited resources which host large numbers of refugees and asylum-seekers, especially those who have hosted refugees for a long period of time; *reiterates* in this regard its strong commitment to international solidarity, burden and responsibility sharing; and *reaffirms* UNHCR's catalytic role in assisting and supporting countries receiving refugees, particularly developing countries, and in mobilizing assistance from the international community to address the impact of large-scale refugee populations;

(h) *Stresses* the value of strengthening protection capacities in host countries as well as of initiatives enhancing the ability of refugee communities to become self-reliant, where appropriate with adequate support from the international community for the host country and the refugees living there;

(i) *Reiterates* the crucial importance of achieving durable solutions for refugees and *urges* States and UNHCR to continue their efforts in this regard to promote and facilitate, in conditions of safety and dignity, voluntary repatriation as the preferred solution, in addition to working proactively on local integration and resettlement opportunities where appropriate and feasible;

(j) *Notes* the willingness of UNHCR, with the support and assistance of the international community, to participate in regional efforts, where appropriate, to provide protection and to achieve durable solutions for refugees, by working closely with countries in the region and other partners;

(k) *Acknowledges* the multifaceted linkages between refugee issues and human rights and *recalls* that the refugee experience, in all its stages, is affected by the degree of respect by States for human rights and fundamental freedoms;

(l) *Notes* the complementary nature of international refugee and human rights law as well as the possible role of the United Nations human rights mechanisms in this area and therefore *encourages* States, as appropriate, to address the situation of the forcibly displaced in their reports to the United Nations Treaty Monitoring Bodies, and suggests that these bodies may, in turn, wish to reflect, within their mandates, on the human rights dimensions of forced displacement;

(m) *Encourages* UNHCR and States jointly to examine how to enhance discussion on protection issues and challenges primarily within the Standing Committee framework, as well as in relevant regional fora, as appropriate;

Agenda for Protection

(n) *Recalls* its Conclusion No. 92 (LIII) endorsing the Agenda for Protection as a statement of goals and objectives as well as an important inventory of recommended actions to reinforce the international refugee protection regime, guiding action by States and UNHCR, together with other United Nations organizations, and other inter-governmental as well as non-governmental organizations; and welcomes in this context the updates[14] provided by UNHCR and by some States on implementation of the Agenda for Protection and UNHCR's follow-up actions to date;

(o) *Notes* that the Agenda for Protection is a shared undertaking and in this context *encourages* States, other organizations as appropriate and NGOs to provide timely information on their own follow-up activities, to enable UNHCR to comply with the Executive Committee's request to be kept informed, through its Standing Committee, of the progress achieved and initiatives taken to implement the Agenda for Protection;

(p) *Welcomes* the High Commissioner's "Convention Plus" initiative and *encourages* the High Commissioner and those States which have offered to facilitate "Convention Plus" agreements to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden and responsibility sharing and realizing durable solutions; and *calls on* UNHCR to report regularly to the Executive Committee on "Convention Plus" developments;

(q) *Welcomes* the report of the Working Group on Resettlement,[15] particularly its important reflections on how this durable solution can be enhanced and used more strategically, including as part of comprehensive durable solutions arrangements and *reaffirms* the vital role of international resettlement in providing orderly, well targeted durable solutions;

(r) *Looks forward* to the review by UNHCR of protracted refugee situations which will enable States and UNHCR to identify and further analyze situations which might benefit from a comprehensive plan of action;[16]

(s) *Acknowledges* the importance of early and effective registration systems and censuses as a tool of protection and as a means to enable the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

Statelessness

(t) *Recalls* its Conclusion No 78 (XLVI) on the Prevention and Reduction of Statelessness and the Protection of Stateless Persons and *notes* the global dimension of the problem of statelessness;

(u) *Notes* UNHCR's work on the survey on statelessness undertaken pursuant to the Agenda for Protection and *looks forward* to reviewing the recommendations resulting from this survey which will be made available to States in the hope that

[14] EC/53/SC/CRP.10.

[15] EC/53/SC/CRP.10/Add.1.

[16] Agenda for Protection, Goal 5, Objective 1, Action 1.

follow-up measures aimed at reducing statelessness and protecting stateless persons will be taken;

(v) *Encourages* States to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious;

(w) *Encourages* UNHCR's efforts to promote all State activities that reduce or resolve statelessness and to promote further accessions to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as effective tools for the prevention of statelessness, which may lead to the reduction of refugee flows and the implementation of durable solutions, and *reiterates* its encouragement for States to consider accession to these instruments, where appropriate;

(x) *Encourages* UNHCR to provide to the Standing Committee an outline of nationality issues impacting women and children that increase their vulnerability to statelessness, such as problems faced in the registration of births, marriages and nationality status;

(y) *Calls on* UNHCR to continue to provide technical and advisory services concerning statelessness to all interested States and partners.

C. Conclusion on the return of persons found not to be in need of international protection

21. *The Executive Committee*,

Expressing appreciation for the timely and useful discussion which took place on the return of persons found not to be in need of international protection, in the context of the Global Consultations on International Protection,[17] and which led to Goal 2, objective 7 of the Agenda for Protection;[18]

Bearing in mind that the efficient and expeditious return of persons found not to be in need of international protection is key to the international protection system as a whole, as well as to the control of irregular migration and prevention of smuggling and trafficking of such persons;

Concerned by the difficulties experienced by many countries of asylum in different parts of the world in effecting the return of persons found not to be in need of international protection, which have served to undermine the integrity of individual asylum systems;

Recalling the obligation of States to receive back their own nationals, as well as the right of States, under international law, to expel aliens while respecting obligations under international refugee and human rights law;

Recalling also that the 2000 United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air[19] sets out the obligation of States parties to facilitate and accept, without undue or unreasonable delay, the return of a person who has

[17] EC/GC/01/15/Rev.1.
[18] A/AC.96/965/Add.1.
[19] Article 18(1).

been smuggled and who is its national or who has the right of permanent residence in its territory at the time of return;

Observing that, for the purposes of this Conclusion, the term "persons found not to be in need of international protection" is understood to mean persons who have sought international protection and who after due consideration of their claims in fair procedures, are found neither to qualify for refugee status on the basis of criteria laid down in the 1951 Convention, nor to be in need of international protection in accordance with other international obligations or national law;

(a) *Reaffirms* the right of everyone to leave any country, including his or her own, and to return to his or her own country as well as the obligation of States to receive back their own nationals, including the facilitation thereof, and remains seriously concerned, as regards the return of persons found not to be in need of international protection, that some countries continue to restrict the return of their own nationals, either outright or through laws and practices which effectively block expeditious return;

(b) *Emphasizes* that the credibility of individual asylum systems is seriously affected by the lack of prompt return of those who are found not to be in need of international protection;

(c) *Reiterates* that return of persons found not to be in need of international protection should be undertaken in a humane manner, in full respect for human rights and dignity and, that force, should it be necessary, be proportional and undertaken in a manner consistent with human rights law; and *emphasizes* that in all actions concerning children, the best interests of the child shall be a primary consideration;

(d) *Recognizes* the importance that persons found not to be in need of international protection cooperate with return arrangements;

(e) *Calls on* States to cooperate regarding the efficient and expeditious return of persons found not to be in need of international protection, to their countries of origin, other countries of nationality or countries with an obligation to receive them back, notably by:

(i) cooperating actively, including through their diplomatic and consular offices, in establishing the identity of persons presumed to have a right to return, as well as determining their nationality , where there is no evidence of nationality in the form of genuine travel or other relevant identity documents for the person concerned;

(ii) finding practical solutions for the issuance of appropriate documentation to persons who are not or no longer in possession of a genuine travel document;

(f) *Calls upon* States parties to the 1951 Convention and the 1967 Protocol to facilitate the return of persons found not to be in need of international protection by providing facilities for the transit of such persons taking into account, where applicable, agreements concerning the mutual recognition of asylum determination decisions;

(g) *Recalls* further that Annex 9 to the 1944 Convention on International Civil Aviation requires that States, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time, and not more than 30 days after such a request is made, either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals;

(h) *Refers* to its Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and protection of stateless persons, and *urges* States to take steps to avoid cases of statelessness as well as to adopt measures leading to the grant of a legal status to stateless persons;

(i) *Welcomes* the expertise developed by IOM in the assisted voluntary return of persons found not to be in need of international protection and *notes* UNHCR's cooperation with IOM in this area;

(j) *Recommends*, depending on the situation, that UNHCR complement the efforts of States in the return of persons found not to be in need of international protection by:

(i) Promoting with States those principles which bear on their responsibility to accept back their nationals, as well as principles on the reduction of statelessness;

(ii) Taking clear public positions on the acceptability of return of persons found not to be in need of international protection,

(iii) Continuing its dialogue with States to review their citizenship legislation, particularly if it allows renunciation of nationality without at the same time ensuring that the person in question has acquired another nationality and could be used to stop or delay the return of a person to a country of nationality;

(k) *Takes note* of UNHCR's readiness, on a good offices basis, to support States, upon their request, in their endeavours to return persons found not to be in need of international protection, in particular where obstacles to return are encountered and provided that the involvement of the Office is not inconsistent with its humanitarian mandate to provide international protection to refugees;

(l) *Stresses* the importance of ensuring the sustainability of returns and of avoiding further displacements in countries emerging from conflict, and *notes* that phasing returns of persons found not to be in need of international protection can contribute to this; while also recognizing that once a person found not to be in need of international protection has made an informed decision to return voluntarily, this should take place promptly;

(m) *Notes* the value of State data on return of persons found not to be in need of international protection to assist in analysing the rate of return and the scope of the problem of achieving returns.

D. Conclusion on Protection Safeguards in Interception Measures

22. *The Executive Committee*,

Noting the discussions which took place on interception measures at the Standing Committee[20] as well as in the context of the Global Consultations on International Protection;[21]

Concerned about the many complex features of the evolving environment in which refugee protection has to be provided, including the persistence of armed conflict, the complexity of current forms of persecution, ongoing security challenges, mixed population flows, the high costs that may be connected with hosting asylum-seekers and refugees and of maintaining individual asylum systems, the growth in trafficking and smuggling of persons, the problems of safeguarding asylum systems against abuse and of excluding those not entitled to refugee protection, as well as the lack of resolution of long-standing refugee situations;

Recognizing that States have a legitimate interest in controlling irregular migration, as well as ensuring the safety and security of air and maritime transportation, and a right to do so through various measures;

Recalling the emerging legal framework[22] for combating criminal and organized smuggling and trafficking of persons, in particular the Protocol Against the Smuggling of Migrants by Land, Sea and Air, which, inter alia, contemplates the interception of vessels enjoying freedom of navigation in accordance with international law, on the basis of consultations between the flag State and the intercepting State in accordance with international maritime law, provided that there are reasonable grounds to suspect that the vessel is engaged in the smuggling of migrants by sea;

Noting the saving clauses contained in each of the Protocols[23] and the reference to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the principle of non-refoulement;

Recalling also the duty of States and shipmasters to ensure the safety of life at sea and to come to the aid of those in distress or in danger of being lost at sea, as contained in numerous instruments of the codified system of international maritime law;[24] *recalling also* Conclusions of the Executive Committee of relevance to the particular needs of asylum-seekers and refugees in distress at sea[25] and *affirming* that when vessels respond to persons in distress at sea, they are not engaged in interception;

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[20] EC/50/SC/CRP.17, 9 June 2000.

[21] EC/GC/01/13, 31 May 2001, Regional Workshops in Ottawa, Canada and in Macau.

[22] The United Nations Convention Against Transnational Organized Crime, 2000 and its Supplementary Protocols Against the Smuggling of Migrants by Land, Sea and Air; and to Suppress and Punish Trafficking in Persons, Especially Women and Children.

[23] Article 19 of the Smuggling Protocol and Article 14 of the Trafficking Protocol.

[24] Including *inter alia* the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, 1974, as amended and the International Convention on Maritime Search and Rescue, 1979, as amended.

[25] In particular No. 15 (XXX), No. 20 (XXXI), No. 23 (XXXII), No. 26 (XXXIII), No. 31 (XXXIV), No. 34 (XXXV) and No. 38 (XXXVI).

Recognizing also that States have international obligations regarding the security of civilian air transportation and that persons whose identities are unknown represent a potential threat to the security of air transportation as contained in numerous instruments of the codified system on international aviation law;[26]

Understanding that for the purposes of this conclusion, and without prejudice to international law, particularly international human rights law and refugee law, with a view to providing protection safeguards to intercepted persons, interception is one of the measures employed by States to:

(i) prevent embarkation of persons on an international journey;

(ii) prevent further onward international travel by persons who have commenced their journey; or

(iii) assert control of vessels where there are reasonable grounds to believe the vessel is transporting persons contrary to international or national maritime law;

where, in relation to the above, the person or persons do not have the required documentation or valid permission to enter; and that such measures also serve to protect the lives and security of the travelling public as well as persons being smuggled or transported in an irregular manner;

(a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

(i) The State within whose sovereign territory, or territorial waters, interception takes place has the primary responsibility for addressing any protection needs of intercepted persons;

(ii) All intercepted persons should be treated, at all times, in a humane manner respectful of their human rights. State authorities and agents acting on behalf of the intercepting State should take, consistent with their obligations under international law, all appropriate steps in the implementation of interception measures to preserve and protect the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment of persons intercepted;

(iii) Interception measures should take into account the fundamental difference, under international law, between those who seek and are in need of international protection, and those who can resort to the protection of their country of nationality or of another country;

(iv) Interception measures should not result in asylum-seekers and refugees being denied access to international protection, or result in those in need of international protection being returned, directly or indirectly, to the frontiers of territories where their life or freedom

[26] Including, *inter alia*, the 1963 Convention on Offenses and Certain Other Acts Committed on Board Aircraft, the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.

would be threatened on account of a Convention ground, or where the person has other grounds for protection based on international law. Intercepted persons found to be in need of international protection should have access to durable solutions;

(v) The special needs of women and children and those who are otherwise vulnerable should be considered as a matter of priority;

(vi) Intercepted asylum-seekers and refugees should not become liable to criminal prosecution under the *Protocol Against the Smuggling of Migrants by Land, Sea or Air* for the fact of having been the object of conduct set forth in article 6 of the Protocol; nor should any intercepted person incur any penalty for illegal entry or presence in a State in cases where the terms of Article 31 of the 1951 Convention are met;

(vii) Intercepted persons who do not seek or who are determined not to be in need of international protection should be returned swiftly to their respective countries of origin or other country of nationality or habitual residence and States are encouraged to cooperate in facilitating this process;[27]

(viii) All persons, including officials of a State, and employees of a commercial entity, implementing interception measures should receive specialized training, including available means to direct intercepted persons expressing international protection needs to the appropriate authorities in the State where the interception has taken place, or, where appropriate, to UNHCR;

(b) *Encourages* States to generate and share more detailed information on interception, including numbers, nationalities, gender and numbers of minors intercepted, as well as information on State practice, having due consideration for security and data protection concerns subject to the domestic laws and international obligations of those States;

(c) *Encourages* States to further study interception measures, including their impact on other States, with a view to ensuring that these do not interfere with obligations under international law.

E. Conclusion on Protection from Sexual Abuse and Exploitation

23. *The Executive Committee*,

Reaffirming its Conclusions No. 39 (XXXVI), No. 47 (XXXVIII), No. 54 (XXXIX), No. 60 (XL), No. 64 (XLI), No. 68 (XLIII), No. 73 (XLIV), No.74 (XLVI), No.79 (XLVII), No.84 (XLVIII), No.85 (XLIX), No.87 (L), No. 91 (LII) and No.94 (LIII) and in particular the need to combat sexual and gender-based violence in refugee situations; and recalling also in this context the relevant goals and objectives of the Agenda for Protection;

[27] See Conclusion on the return of persons found not to be in need of international protection (A/AC.96/987, para. 21).

Recalling the international community's efforts to strengthen the international legal framework for combating sexual abuse and exploitation;

Recalling also the report of the United Nations Office of the Internal Oversight Services on the investigation into sexual exploitation of refugees by aid workers in West Africa,[28] and resolution A/RES/57/306;

Noting distressing reports over the last few years that refugees and asylum-seekers, in particular women and children, have been victims of sexual abuse and exploitation during flight or upon arrival in their country of asylum, and deeply concerned that this has negatively impacted their access to basic protection and assistance, including health care and education, the issuance of personal documentation or granting of refugee status;

Recognizing that sexual abuse and exploitation are a consequence of unequal power relationships; a dynamic that is often exacerbated during humanitarian crises characterized by widespread violence, mass displacement, and the breakdown in family structures, social and value systems; and noting with distress, the involvement of humanitarian workers, officials and other persons working closely with refugee populations;

Acknowledging that inadequate protection or inappropriate assistance, particularly the quantity and quality of food and other material assistance, increases the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

Recognizing the importance of effective mechanisms to prevent and respond to the occurrence of sexual abuse and exploitation in all phases of the refugee experience;

Recognizing that the best interest of the child shall be a primary consideration in the design and implementation of all prevention and response measures, to ensure the protection of children from all forms of abuse, neglect, exploitation and violence, including sexual abuse and exploitation;

Welcoming the June 2002 Report of the Inter-Agency Standing Committee Task-Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and its plan of action to address the problem of sexual abuse and exploitation;

Recalling previous UNHCR policies and guidelines intended to address violence against refugees, including the 1989 Policy and 1991 Guidelines on the Protection of Refugee Women; the 1993 Policy on Refugee Children and 1994 Refugee Children: Guidelines on Protection and Care, the 1995 Sexual Violence against Refugees: Guidelines on Prevention and Response, as updated in 2003; and the High Commissioner's 2001 Five Commitments to Refugee Women;

Noting the issuance in May 2003 of UNHCR's revised *Guidelines on Sexual and Gender-Based Violence in Refugee, Returnee and Displaced Situations*, as well as the UNHCR *Guidelines on International Protection, Gender-Related Persecution*, of May 2002, and noting UNHCR's endeavours to address the problem of sexual and gender-based violence in the field and the various training initiatives undertaken to date to provide staff with the practical skills necessary to meet the protection needs of victims of sexual abuse and exploitation;

[28] A/57/465.

Welcoming UNHCR's efforts to address the problem through the promulgation and implementation of a Code of Conduct for UNHCR staff, in accordance with the plan of action of the Inter-Agency Standing Committee's Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises; and the amendment of its programme implementation sub-agreements to include a requirement for implementing partners to have similar Codes of Conduct and for these to be implemented fully;

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(i) Ensuring explicit reference in codes of conduct and other relevant policies to the responsibilities of relevant personnel to prevent and respond appropriately to sexual and gender-based violence, including sexual abuse and exploitation;

(ii) Ensuring the prompt investigation of allegations of sexual abuse and exploitation;

(iii) Ensuring that actions undertaken on behalf of refugees and asylum-seekers, including women, children and vulnerable persons, enhance their meaningful participation in decision-making processes; that they are provided with sufficient information to form their opinions, and channels for communicating their concerns to humanitarian agencies, and are provided with full information about refugee protection and available assistance;

(iv) Ensuring that needs assessments, evaluations and reports, identify vulnerabilities to sexual exploitation and abuse and provide a basis for improved programme planning that minimizes risks and opportunities for sexual abuse and exploitation, and that protection and assistance processes, taking into account the quantity and quality of assistance and distribution methods, including supervision, are designed and implemented in a manner that reduces the risk of sexual abuse and exploitation;

(v) Ensuring that camp governance is conducted in an equitable manner that empowers women, children and vulnerable groups and that the physical layout of camps is designed in such a way as to make such individuals less vulnerable to sexual abuse and exploitation;

(vi) Ensuring that easily accessible and confidential complaint and redress mechanisms are in place for victims of sexual abuse and exploitation, and that they appropriately apply sanctions to perpetrators and ensure that such mechanisms respect due process rights of the accused, and safeguard the security and rights of the victim or witnesses;

(vii) Ensuring the existence of adequate remedial measures in order to appropriately care for victims of sexual abuse and exploitation;

(viii) Conducting training and capacity building on the prevention and response to sexual abuse and exploitation;

(b) *Calls upon* UNHCR to continue to pursue its ongoing activities taken in the area of sexual abuse and exploitation with particular attention to:

(i) Ensuring full implementation of respective policies, codes of conduct, the guidelines on sexual and gender-based violence in refugee, returnee and internally displaced situations, as well as the UNHCR guidelines on gender-related persecution;

(ii) Implementing the relevant recommendations from the evaluations of UNHCR's activities in the area of refugee women, refugee children and community services;

(iii) Ensuring adequate levels of monitoring and supervision of programmes for prevention and protection from sexual abuse and exploitation, including through physical presence, and to support staff at field level to implement concrete programmes of action;

(iv) Developing mechanisms to ensure accountability, including at senior levels, in the implementation of all protection and assistance activities to prevent sexual and gender-based violence;

(v) Promoting gender balance in staff at all levels, both at headquarters and in the field, as well as expert and specialist competence, while having regard to merit selection principles;

(c) Urges all States, consistent with applicable international refugee, human rights and humanitarian law:

(i) to protect refugees and asylum-seekers, especially children, from all forms of abuse, neglect, exploitation and violence; and

(ii) to cooperate in eliminating all forms of discrimination, sexual exploitation and violence against female refugees and asylum-seekers, and to promote their active involvement in decisions affecting their lives and communities;

(d) *Urges* States to respect and ensure the right of all individuals within their territory and subject to their jurisdiction, to security of person, inter alia by enforcing relevant national laws, consistent with international law, and by adopting concrete measures, where they do not exist, to prevent and combat sexual abuse and exploitation including through:

(i) The development and implementation of training programmes, guidelines and other practical measures aimed at promoting respect by all government officials, as well as persons acting on behalf of the State, who have contact with refugee populations, for the right of every individual to security of person and at promoting protection from sexual abuse and exploitation;

(ii) Appropriate follow-up action in response to allegations of sexual violence and exploitation including, where necessary, by implementation of remedies, such as facilitating the filing and investigation of complaints of sexual violence and exploitation, the

prosecution of offenders, and timely and proportional disciplinary sanctions in cases of abuse of power or gross negligence resulting in sexual exploitation;

(iii) Complaint and redress mechanisms, where appropriate, which are easily accessible, do not compromise the security of the survivors or other informants, and give due regard to confidentiality. Such complaint mechanisms should, where feasible, provide victims and witnesses with referrals to support services with appropriately trained personnel, including in particular female counsellors;

(e) *Calls on* States to ensure that all humanitarian agencies funded by them and working with refugees integrate and promote policies consistent with the core principles of the plan of action of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises;

(f) *Calls on* UNHCR to support its internal investigation capacity within the Inspector General's Office to ensure that the Office is able to react swiftly and effectively to ascertain the veracity of any allegations of sexual abuse or exploitation by UNHCR or implementing partner staff;

(g) *Calls upon* the international community in cooperation with UNHCR and other international organisations to mobilize the resources necessary to ensure the provision of protection and material assistance in support of host countries, based on international solidarity, cooperation, burden and responsibility-sharing, since inadequate protection, or inadequate, inappropriate or poorly distributed assistance can increase the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

(h) *Calls upon* UNHCR to continue its cooperation with other actors to ensure protection from exploitation and abuse of refugees and asylum-seekers, including through participation in the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, and other coordination mechanisms;

(i) *Calls upon* UNHCR to continue to report on a regular basis on progress made in the implementation of measures to combat sexual abuse and exploitation.

F. General decision on administrative, programme and financial matters

24. *The Executive Committee*,

(a) *Confirms* that the activities proposed under the Annual Programme Budget for the year 2004 as set out in document A/AC.96/979 have been found, on review, to be consistent with the Statute of the Office of the High Commissioner (General Assembly Resolution 428 (V)), the High Commissioner's "Good Offices" functions as recognized, promoted or requested by the General Assembly, the Security Council, or the Secretary-General, and the relevant provisions of the *Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees*;

(b) *Approves* the programmes and budgets for Regional Programmes, Global Programmes and Headquarters under the 2004 Annual Programme Budget, amounting to $922,935,200, including an Operational Reserve comprising

$60,902,400 (representing 7.5 per cent of programmed activities) and an amount of $50 million introduced on a trial basis for one year, for the purposes explained in paragraphs 28-31 of document A/AC.96/979; *decides* to undertake in the course of 2004 a thorough review of the issue of additional contributions for these activities, and asks that the Standing Committee be regularly informed of such contributions in 2004 and their use; *takes note* of the United Nations Regular Budget contribution of $24,954,900, and of the sum of $7 million for Junior Professional Officers, bringing total requirements for 2004 to $954,890,100, of which details are provided in Table 1.3 of the aforementioned document; and *authorizes* the High Commissioner, within this total appropriation, to effect adjustments in Regional Programmes, Global Programmes and Headquarters budgets;

(c) *Calls on* UNHCR to keep its administrative expenditure under continual review with the objective of reducing it as a proportion of total expenditure;

(d) *Approves* the revised Annual Programme Budget for the year 2003 amounting to $809,081,600, which together with the United Nations Regular Budget contribution of $20,354,400 and provisions for Junior Professional Officers of $7 million as well as the needs under Supplementary Programmes in 2003 of $313,225,500, bring total requirements in 2003 to $1,149,661,500 (Table 1.3);

(e) *Notes* the *Report of the Board of Auditors to the General Assembly on the Accounts of the Voluntary Funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 2002* (A/AC.96/978), and the High Commissioner's *Follow-up Actions to the Board of Auditors Report* (A/AC.96/978/Add.1); as well as the Report of the ACABQ on UNHCR's *Annual Programme Budget for the year 2004* (A/AC.96/979/Add.1), the *Report of the High Commissioner on Oversight Activities* (A/AC.96/976), and requests to be kept regularly informed on the measures taken to address the recommendations and the observations raised in these various oversight documents;

(f) *Requests* the High Commissioner, within the resources available, to respond flexibly and efficiently to the needs currently indicated under the Annual Programme Budget for the year 2004, and *authorizes* him, in the case of additional new emergency needs that cannot be met fully from the Operational Reserve, to create Supplementary Programmes and issue Special Appeals;

(g) *Notes and approves* the practice of transferring seven per cent of contributions to Supplementary Programmes to the Annual Programme, so as to cover support costs incurred for such activities; *notes* furthermore, that in the preparation of Supplementary Programmes Appeals, these support costs will be indicated in the proposed budget, and that reporting on these transfers will form part of the regular updates on programmes and funding presented to the Standing Committee, as well as of UNHCR's annual accounts;

(h) *Welcomes* the decision of the High Commissioner to request co-sponsorship of UNAIDS, furthering UNHCR's policy regarding Refugees and Acquired Immune Deficiency Syndrome (AIDS) and its current HIV/AIDS Strategic Plan for 2002-2004, as well as facilitating the inclusion and integration of refugees into host countries' HIV/AIDS policies and programmes; and decides to keep these issues under regular review as part of the programme of work of the Standing Committee;

(i) *Acknowledges* with appreciation the burden that continues to be shouldered by developing and least developed countries hosting refugees and urges Member States to recognize this valuable contribution to the protection of refugees and to participating in efforts to promote durable solutions;

(j) *Urges* Member States, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to respond generously and in a spirit of solidarity, and in a timely manner, to his appeal for resources to meet in full the approved 2004 Annual Programme Budget; and to support initiatives to ensure that the Office is better resourced in a more predictable manner, while making efforts to reduce "earmarking" to a minimum level, and encourages UNHCR to continue its efforts to broaden the Office's donor base and to diversify funding sources.

G. Decision on the programme of work of the Standing Committee in 2004

25. *The Executive Committee,*

Having reviewed the issues before it at its fifty-fourth session, including its general debate based on the High Commissioner's statement and the work undertaken by the Standing Committee during the year, and having in mind the decisions and conclusions of its fifty-fourth session;

(a) *Decides* to adopt as the framework for the programme of work of the Standing Committee in 2004 the following items: international protection; programme/protection policy; programme and funding; governance; coordination; and management, financial, oversight and human resources;

(b) *Requests* that member States review, at the Planning Meeting scheduled for December 2003, specific proposals for inclusion in the work programme for 2004, taking into consideration the calendar noted by the Planning Meeting in 2002, with a view to submitting their agreed work programme to the first Standing Committee in 2004 for formal adoption; and *requests* that member States bear in mind the desirability of scheduling items over a biennial or longer period;

(c) *Requests* that UNHCR include in its documentation on relevant items the audit and ACABQ recommendations as well as steps taken to implement those recommendations and related Executive Committee decisions and conclusions;

(d) *Authorizes* the Standing Committee to add and to delete items, as appropriate, to its inter-sessional programme of work;

(e) *Decides* to convene no more than three meetings of the Standing Committee in 2004 to be held in February/March, June/July and prior to the fifty-fifth plenary session of the Executive Committee;

(f) *Calls on* the Standing Committee to report on its work to the fifty-fifth session of the Executive Committee;

(g) *Calls upon* its members to continue efforts to ensure that the Executive Committee is a forum for substantive and interactive debate, and provides guidance that can be implemented by UNHCR within its given mandate.

H. Decision on the provisional agenda of the fifty-fifth session of the Executive Committee

26. *The Executive Committee*,

Decides to adopt the following provisional agenda for the fifty-fifth session of the Executive Committee:

1. Opening of the session
2. Election of officers
3. Adoption of the agenda and other organizational matters
4. Annual theme
5. Reports on the work of the Standing Committee as they relate to:
   (i) international protection;
   (ii) programme, administrative and financial matters; and
   (ii) functioning of the Executive Committee
6. Consideration and adoption of the Annual Programme Budget
7. Reports relating to evaluation and inspection
8. Meetings of the Standing Committee in 2005
9. Consideration of the provisional agenda of the fifty-sixth session of the Executive Committee
10. Any other business
11. Adoption of the draft report of the fifty-fifth session of the Executive Committee
12. Closing of the session

I. Decision on observer participation in meetings of the Standing Committee in 2003-2004

27. *The Executive Committee*,

(a) *Approves* applications by the following Government observer delegations for participation in meetings of the Standing Committee from October 2003 to October 2004:

Armenia, Azerbaijan, Belarus, Benin, Botswana, Czech Republic, Dominican Republic, Egypt, El Salvador, Ghana, Latvia, Libyan Arab Jamahiriya, Lithuania, Nepal, Oman, Portugal, Romania, Rwanda, Saudi Arabia, Slovakia, Slovenia, Sri Lanka, Ukraine; Zambia

(b) *Authorizes* the Standing Committee to decide upon any additional applications from Government observer delegations to participate in its meetings during the aforementioned period;

(c) *Approves* the following list of intergovernmental and international organizations to be invited by the High Commissioner to participate as observers in relevant meetings of its Standing Committee from October 2003 to October 2004:

United Nations specialized agencies, departments, funds and programmes, European Commission, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Sovereign Order of Malta, Executive Secretariat of the Commonwealth of Independent States, League of Arab States, African Union, Organization of the Islamic Conference, Council of Europe, International Organization for Migration, Economic Community of Central African States, Southern African Development Community, Intergovernmental Authority on Development, Economic Community of West African States, International Centre for Migration Policy Development.

J. Decision on Non-Governmental Organization (NGO) observer participation in the work of the Executive Committee of the High Commissioner's Programme and its Standing Committee

28. *The Executive Committee*,

Recalling its decision on NGO observer participation in the work of the Executive Committee and its Standing Committee (A/AC.96/912), and having now completed six consecutive years of this participation;

Recognizing the importance of NGOs as partners in UNHCR's humanitarian work on behalf of refugees, and commending them for the useful contribution they have made to the meetings of the Executive Committee and of its Standing Committee;

Recalling further that at its fifty-first session, the Committee decided to extend this participation to the end of the year 2003, and to review NGO observer participation by that date (A/AC.96/944, para. 32);

Considering that in view of the value added to its work by the presence of NGOs, this review should cover all aspects of their participation and if possible identify areas where it might appropriately be strengthened;

(a) *Decides* to extend the observer participation of NGOs in meetings of the Standing Committee by one year until the end of 2004, to allow for completion of this review;

(b) *Decides* that the participation of NGOs as observers will continue to follow the procedure as established by the Standing Committee decision (A/AC.96/888), pending the outcome of the review.

ANNEX I

Decisions and conclusions adopted by the Standing Committee in 2003

In accordance with the authority vested in it by the Executive Committee, the Standing Committee in 2003 adopted a number of decisions on matters included in its programme of work. The texts of these decisions are annexed to the reports of Standing Committee meetings as follows:

A/AC.96/974: *Report of the Twenty-sixth meeting of the Standing Committee* (4-6 March 2003)

- Decision on overall programme and funding in 2002 and projections for 2003

A/AC.96/984: *Report of the Twenty-seventh meeting of the Standing Committee* (24-26 June 2003)

- Decision on overall programme and funding projections for 2003.

ANNEX II

A. Opening statement by Mr. Ruud Lubbers
United Nations High Commissioner for Refugees

(Geneva, 29 September 2003)

Mr. Chairman,
Mr. Egeland,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

Welcome to the fifty-fourth session of the Executive Committee. I am pleased to see that the Committee continues to grow, and this year I would like to extend a special welcome to three new members, Cyprus, Kenya and Yemen.

This has been another important year for the Committee. I would like to thank the Bureau for its work, and particularly the outgoing Chairman, Ambassador Fisseha Yimer of Ethiopia. My congratulations to the incoming Bureau and its Chairman, Ambassador Boulgaris of Switzerland, with whom I look forward to working closely over the coming year.

Allow me to use this opportunity to pay tribute to former High Commissioner Prince Sadruddin Aga Khan, who died earlier this year. Prince Sadruddin – UNHCR's longest serving High Commissioner – led the organization through some of its most challenging moments. Much of what we are doing today builds on the work that he did in the 1960s and 1970s.

Finally, it is an honour to introduce our special guest, Jan Egeland, the new United Nations Emergency Relief Coordinator, who will be addressing you later this morning.

Iraq

Ladies and Gentlemen,

In my opening remarks last year, I welcomed another special friend of ours: Sergio Vieira de Mello, who had just returned to Geneva to take up his position as the new High Commissioner for Human Rights. Sergio – who worked for UNHCR for over 25 years – sat at this podium many times. Even before becoming Assistant High Commissioner for Refugees, he had been closely involved in the work of this Committee, not least during the period when he was its Secretary.

Sergio was a truly remarkable man. With his death in Baghdad forty days ago, the United Nations has lost one of it most inspiring leaders, refugees have lost one of their strongest advocates, and UNHCR has lost one of its greatest friends. We continue to struggle hard to come to terms with the appalling attack in Baghdad which led not only to Sergio's death, but also to the deaths of twenty-one other friends and colleagues, including Reza Hosseini, a former UNHCR staff member, and Arthur Helton, a renowned international expert on refugee affairs. Amongst those badly injured was another close friend of UNHCR's, Gil Loescher – author of an important recent book on the history of the organization.

The attack on 19 August and other serious security incidents since then have cast a shadow over this 54th Session of the Executive Committee. The environment in which we operate is changing. The United Nations is not always perceived in the way that we would like it to be. For the first time, it has been declared a legitimate target by a terrorist group. How do we operate now, after the most vicious attack on the United Nations in its history? What can we do to address the many misperceptions of the United Nations that exist, particularly in the Middle East? What contribution can humanitarian agencies like UNHCR make to this process?

Earlier this year, UNHCR drew up plans to assist with the voluntary return and reintegration of over half a million Iraqi refugees and asylum seekers, as well as with the return of some 800,000 internally displaced people. Since 19 August, this has been put on hold.

The Secretary-General has made it clear that subject to security conditions the United Nations is prepared to continue playing its full role in assisting the Iraqi people. He has also stressed that we must never be reckless with the lives of our staff. This is our challenge now – to find the right balance. Ultimately, the answers lie not in more armoured vehicles, barricades and armed guards, but in improving the overall political environment.

The United Nations – and particularly operational agencies like UNHCR – cannot operate from a fortress. Our strength lies in our ability to communicate with the people who need us, to work through local authorities, and to build up local capacities. If we cannot work with the Iraqi people and with Iraqi authorities, then we cannot work there at all.

These must be our priorities now: to build confidence in UNHCR amongst the people of Iraq; to help strengthen the capacities of Iraqi authorities; and above all, to support the work of the newly appointed Iraqi Minister for Displacement and Migration – who I am pleased to say is here with us today.

Global operations and challenges

Ladies and Gentlemen,

Turning to operations elsewhere, let me begin with Afghanistan. The Afghan repatriation operation last year was a truly exceptional one, with over two million returns of refugees and internally displaced persons. The number of returns this year has been lower, but with over half a million returns so far it remains the largest return movement anywhere in the world. This is a remarkable achievement, particularly when one considers the worsening security situation and the fact that much of the country is still in ruins after decades of war.

In spite of the difficulties that our staff have faced because of security problems, they have worked hard to keep up the momentum on returns. Most importantly, they have made considerable progress in ensuring that returnees are included in national development programmes led by the Transitional Administration and supported by development actors. This is a good example of what we are trying to achieve through the 4Rs approach – ensuring that returnees both benefit from, and contribute to, the process of national recovery. The key now is to speed up rehabilitation and reconstruction efforts. This is vital for the stability of the country and it will largely determine the pace of future returns. The

international community must stay engaged if the return and reintegration process is to succeed in the long term. There will be an opportunity to exchange views on this at the special session on the Afghan operation at 6 p.m. tomorrow.

Despite all the progress so far, millions of Afghan refugees are still living in neighbouring countries, particularly Iran and Pakistan. The patience of these countries in continuing to extend hospitality to large refugee populations while Afghanistan rebuilds itself is greatly appreciated. Finding durable solutions for these people remains a top priority for UNHCR, and over the next two years we will be working with the Governments of these countries and other partners on concrete initiatives aimed at addressing the changing situation in the region in a comprehensive manner.

Concerning the funding situation, we decreased this year's total budget for the Afghan operation from US$ 195 million to US$ 184 million to reflect the lower than expected number of returns. We cannot responsibly decrease the budget further. Yet we are entering the last quarter with a projected shortfall of about US$ 30 million. I can only appeal to all those donors who have supported our Afghan operation so generously in the past to come forward with additional funds to help us cover this shortfall. Our budget for the Afghan operation next year is considerably lower than this year's. It nevertheless accounts for a sizeable portion of our total budget, reflecting the fact that we are still expecting significant returns. The Afghan operation is now being mainstreamed, and by 2005 we will have incorporated the Supplementary Programme into our Annual Programme Budget.

Ladies and Gentlemen,

Let me turn now to Africa. In Angola, about 160,000 refugees have returned home in the last year, including some 30,000 who were assisted by UNHCR. Almost half a million others are eager to return, but the country remains devastated after 27 years of civil war. We have an opportunity today to put an end to yet another of Africa's biggest and most protracted crises of displacement and I hope that donors will continue to generously support our repatriation programme. At the same time, I hope that we will see a commitment by the Angolan Government to invest its own funds in rehabilitation and reintegration efforts.

In the Democratic Republic of the Congo, the political process has taken a significant step forward with the installation of a transitional government. While parts of the country remain insecure, other parts have seen a considerable improvement in the overall situation. I hope that we will soon be able to assist with the voluntary return of refugees to these places. Meanwhile, a faltering peace process in Burundi has meant that over 300,000 Burundian refugees and almost 400,000 internally displaced people still have limited prospects of returning home in the near future.

I had to cut short my recent mission in Africa following the attack in Baghdad, but I am hoping to go back and visit Tanzania and Burundi before the end of the year. Finding durable solutions for the refugees in Tanzania remains a top priority for my office. I have also been following with interest recent developments in the Sudanese peace talks. In contrast to the positive momentum towards peace in southern Sudan, the ongoing fighting in the Darfur region in northern Sudan is of serious concern. Fighting has already led to the exodus of some 65,000 refugees to

Chad, as well as to considerable internal displacement. Every effort must be made to put an end to this new conflict.

In Liberia, there has been a marked improvement in the situation since the ousting of Charles Taylor and the deployment of ECOWAS peacekeepers. But tensions remain high in many parts of the country, and I welcome the recent Security Council resolution establishing a UN-mandated peacekeeping force, which is urgently needed if further displacement is to be avoided. A paper outlining our strategy in Liberia for the coming months is available. In the case of Sierra Leone, my Office continues to facilitate the voluntary return of Sierra Leonean refugees from Liberia. However, more support for Sierra Leone's reconstruction efforts is needed if such returns are to continue and be sustainable.

Turning to Asia, a top priority for my Office remains that of resolving the stalemate on finding solutions for over 100,000 Bhutanese people in camps in Nepal. Despite all my Office's attempts to assist Bhutan and Nepal to identify acceptable solutions for these people, we have not been able to participate in the joint Bhutanese-Nepalese process of verification of these persons; neither have we been granted access by the Government of Bhutan to areas of potential return.

This is totally unacceptable. I have therefore decided to take three key measures. First, since the Nepalese Government has offered to settle those willing to remain and to grant them citizenship, my Office will promote self reliance projects to facilitate their integration and will gradually phase out its direct involvement in the camps. Second, my Office will support resettlement initiatives for vulnerable cases. Third, because of the denial of access to UNHCR in Bhutan, making it impossible for us to monitor the return process, we will not promote returns. My Office will, however, assist in verifying that returns from Nepal are voluntary. In Bhutan, the right of return must be respected. I urge States, and particularly neighbouring India, to assist Bhutan and Nepal to identify just, humane and durable solutions for all of these people.

In China, the plight of North Koreans who leave their country illegally remains a serious concern. For a number of years UNHCR has been making efforts to obtain access to them, but this has consistently been denied. An analysis of currently available information recently carried out by our Department of International Protection concludes that many North Koreans may well be considered refugees. In view of their protection needs, the group is of concern to UNHCR. For those in need of assistance, UNHCR is ready to work with partners in meeting their needs. Above all, the principle of non-refoulement must be respected.

In the Americas, the humanitarian situation in Colombia remains of great concern. Over 100,000 more people have fled their homes in recent months, bringing the total number of internally displaced people in Colombia to well over two million. My Office continues to play a central role in coordinating the UN response to the IDP situation.

In Europe, a recent visit to the Northern Caucasus by our Goodwill Ambassador, Angelina Jolie, helped to raise awareness of the difficulties being faced by the displaced Chechen population. Pressure is once again being put on them to leave Ingushetia and return to Chechnya. In response I have proposed a two-pronged approach. I have insisted that the displaced continue to be guaranteed a viable safe haven in Ingushetia until they judge that conditions are conductive for

their voluntary return. Meanwhile, I have agreed to commence a series of pilot projects in Chechnya aimed at enabling the sustainable reintegration of those who wish to return.

In European Union countries, the asylum debate has been intense. On the positive side, this has prompted new thinking on ways of enhancing refugee protection in regions of origin. UNHCR has participated actively in discussions on the subject, as there are many points of convergence with the Agenda for Protection and our Convention Plus Initiative. The Thessaloniki Summit was encouraging and I hope the EU will ensure a practical follow-up when it comes to sharing the burdens faced by developing countries hosting large refugee populations and focusing on achieving durable solutions. On the negative side, the highly politicized environment in which much of the asylum debate has taken place has prompted increasingly restrictive measures in many areas of asylum law and practice. It has also complicated the process of EU harmonization of asylum policies. I continue to urge Governments of EU countries not to lose sight of their aim of turning Europe into a common "asylum space". Without harmonization, human trafficking and "asylum shopping" will only continue, to the detriment of both those in need of protection and of the individual States concerned.

The "UNHCR 2004" process and the "Convention Plus" initiative

Ladies and Gentlemen,

During my first year as High Commissioner I set up a process known as "UNHCR 2004". Its aim was to review how UNHCR is situated within the United Nations system vis-à-vis States and partners, and to determine how it could be better positioned to carry out its mandate.

The report has now been finalized and will shortly be submitted to the Third Committee of the General Assembly. The consultations that took place over the last nine months guided me in the preparation of the report. A draft was also shared with the Secretary-General and relevant bodies within the United Nations system. The final report reflects their comments and has their endorsement. I would like to thank all those who committed so much time and energy to this process, and particularly Ambassador Boulgaris for his skilful leadership of the consultations process, and Paula Lynch, the Rapporteur, for so successfully steering the negotiations on the draft conclusion.

There will be a panel discussion this afternoon on implementation of the conclusions in the report, so I will not go into this in detail now. But allow me to highlight a number of key issues that have arisen during the "UNHCR 2004" process.

With a growing understanding of the important interconnections among peace and security, humanitarian action, human rights and development policies, it is clear that my Office needs to create more effective linkages both within and outside the United Nations system. It is a pleasure to have with me on the podium today the new United Nations Emergency Relief Coordinator, whose Office plays the central role in ensuring well co-ordinated United Nations' responses to humanitarian crises. I intend to work closely with Jan in improving strategies aimed at ensuring better preparedness, timelier interventions and more comprehensive delivery of services and solutions, both for refugees and for internally displaced persons. I will also

continue to focus on strengthening UNHCR's engagement with the peace and security pillars of the United Nations – particularly the Departments of Political Affairs and Peace-keeping Operations – and with the development actors. Over the last year I have strengthened the UNHCR Office in New York as a step in this direction.

Concerning situations of internal displacement, I remain convinced that there is a strong need for more predictability in the UN response. My Office will continue to work closely with OCHA, others in the UN system, operational partners such as ICRC, and NGOs in addressing the needs of the internally displaced. Over the last year we have been focusing increasingly on post-conflict situations, where there are clear linkages between repatriation of refugees and returns of internally displaced persons.

Another important theme during the "UNHCR 2004" process has been that of enhancing prospects for finding durable solutions for refugees. The Framework for Durable Solutions, which has been shared with you, brings together three initiatives we have developed in recent years: "DAR" (Development Assistance for Refugees), "4Rs" (Repatriation, Reintegration, Rehabilitation and Reconstruction) and "DLI" (Development through Local Integration). I count on the continued support of donors for these initiatives.

As the Secretary-General pointed out in his recent Report on the Work of the Organization, there is a wide gap between the rhetoric of inclusion and the reality of exclusion. In the case of refugees and returnees, until now they have all too often been excluded from the development agenda. It is time to reverse this trend. UNHCR recently joined the United Nations Development Group, and I hope this will help us to ensure that refugee needs are kept firmly on the development agenda. Responding to the HIV/AIDS pandemic, we are also seeking co-sponsorship of UNAIDS.

Another central theme of the report is that of ensuring that the rights of refugees and asylum seekers are respected and that their special needs are met within the broader context of migration management. Over the past year, many States have expressed interest in finding ways to manage migration flows in a more orderly and systematic manner. This has led to new initiatives, and UNHCR is now an active participant in a number of these. The Secretary-General has himself identified international migration as a priority issue for the United Nations.

Together with our partners, we will continue to develop policies relating to the nexus between asylum and migration. UNHCR will also continue to strengthen its strategic alliance with the International Organization for Migration (IOM), on the basis of a clear division of labour. Last month our two organizations joined with the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crime (UNODC) to form the Geneva Migration Group. We hope that the United Nations Conference on Trade and Development (UNCTAD) will also soon join the group. Through the Geneva Migration Group, I hope that we will be able to improve cooperation and develop a broader understanding of the activities undertaken by different agencies during the various stages of the migration cycle.

The deliberations on UNHCR's governance structure during the "UNHCR 2004" process centred on how to give a higher profile to the refugee issue. My

initiative of convening a ministerial meeting every five years is aimed at strengthening its multilateral character. Likewise, the proposal to streamline the reporting requirements is aimed at enabling my Office to bring the refugee issue to ECOSOC and the General Assembly in a more meaningful manner. I trust your governments will support these measures to strengthen the capacity of my Office when the General Assembly decides on this later in the year.

Concerning the recommendations on funding in the "UNHCR 2004" report, I intend to begin implementing the 30% Base Level model with those countries that wish to apply it. I will keep you regularly informed on this pilot project. As for UNHCR's share of the United Nations Regular Budget, I count on the continuing support of Executive Committee members to support additional incremental increases.

One of the indirect outcomes of both "UNHCR 2004" and the Global Consultations process is the "Convention Plus" initiative. This is all about enhancing burden sharing and achieving durable solutions for refugees through special agreements. Since the inaugural meeting of the Forum in June this year, we have made considerable progress. Denmark and Japan will shortly co-host a meeting amongst a number of interested States on the targeting of development assistance to help achieve durable solutions for refugees in regions of origin. Switzerland has agreed to facilitate discussions on how to deal with secondary movements of asylum-seekers and refugees, and Canada will soon co-host a meeting on how resettlement can be used more strategically.

We are also making progress in developing criteria for identifying specific situations which may become Convention Plus initiatives, drawing on lessons from recent experience in places like Afghanistan, Angola and West Africa. A range of situations are already being considered on the basis of these criteria, including new refugee emergencies, major repatriation operations and protracted situations. I am confident that a number of these lend themselves to the development of multilateral special agreements. I intend to convene another meeting of the Forum in conjunction with the first meeting of the Standing Committee in 2004, and I look forward to a detailed discussion of these issues on that occasion.

Performance and management

Ladies and Gentlemen,

In all our operations, our effectiveness depends on our ability to ensure quality performance and management. Let me end, therefore, with a few words on this.

On human resource management, last year I announced my intention to conduct a thorough review aimed at improving existing policies. I am pleased to report that we have made significant progress in this area. I recently approved a new human resource policy which includes an enhanced role of the Appointments, Postings and Promotions Board, the introduction of an annual promotions session, revised policies on contracts, postings and rotation, and a new strategy for recruitment.

The new policy clarifies the joint responsibilities of staff members, managers and the Board to ensure that vacancies are filled in a timely manner and that the most suitable candidates are appointed. It introduces new mechanisms to minimize

the number of staff members in between assignments and to maximize the contribution of staff members who occasionally find themselves in this situation. In revising policies on promotion and on indefinite appointments, the bottom line has been that of ensuring that good performance is rewarded and that underperformance is properly addressed. The recruitment policy includes the establishment of a roster, which will make it easier for those who have already gained valuable experience as General Service staff, Junior Professional Officers or United Nations Volunteers, to be appointed to posts in the international professional category.

We have taken a number of steps to enhance transparency and accountability in the management of our operations, by strengthening our internal oversight capacity. My Inspector General's office now has a dedicated investigative capacity and is currently looking into some 60 allegations of misconduct involving either our own staff or the staff of implementing partners. The tenfold increase in this area in recent years is a reflection of the improved mechanisms we now have in place. I believe it is also a result of the increased confidence of staff, partners and refugees in bringing forward complaints. Through the Inspector General's office and our internal auditors, we will continue to send a strong message of deterrence to those whose actions may otherwise damage the reputation of the entire Office. This applies equally to misconduct, mismanagement and waste of resources.

We recently launched our revised guidelines on preventing and responding to sexual and gender-based violence. The revised guidelines are intended not only for UNHCR staff but for all humanitarian and development partners working with refugees and other displaced people. They are an important milestone in our attempts to ensure better delivery of protection and assistance to refugee women and children. Accountability and the prevention of sexual and gender-based violence are also prominent themes in regional protection management workshops now being conducted by our Department of International Protection.

We have also made progress in revising our administrative systems. The Management Systems Renewal Project, for example, is a crucial part of our ongoing efforts to modernize and strengthen management capabilities through the latest technology. It also reflects our continuing commitment to ensure the most efficient use of the resources provided to us by donors.

On financial management, let me start with some good news: there has been a modest but steady increase in contributions since 2001. This is encouraging, and I am grateful for all your continued support. The increase in contributions is partly a reflection of the large Supplementary Programmes that we have had. I am particularly grateful to those donors who have increased their total contributions to UNHCR over this period. I also appreciate the efforts that donors have made this year to make their contributions to UNHCR early on. This has facilitated our work.

The bad news is that we had to make two budget cuts this year. Unlike last year, we made these two cuts early in the year. First, we reduced the level of allocations by US$ 54 million and froze some US$ 37 million of the Operational Reserve. Then we made additional cuts to compensate for increased costs of some US$ 42 million due to exchange fluctuations and UN salary increases. Even though Headquarters and administration took the brunt of these reductions, they also inevitably had a negative impact on our protection and assistance activities.

Although we are in a better position than we were this time last year, we still need US$ 56 million in fresh contributions toward the 2003 Annual Budget if the risk of further cuts is to be completely avoided. I appeal to you to assist in closing this gap. We cannot afford to make further cuts this year.

In the past, donors have on many occasions offered additional funds for activities not specified in the UNHCR budget. This year, in cases where such activities are in line with our mandate and would clearly be beneficial to refugees and other persons of concern, I intend to accept such funds and implement the programmes. Internal procedures have been adjusted for this purpose on a pilot basis for 2004.

The 2004 Annual Budget that I am presenting to the Executive Committee for approval is US$ 955 million. This is significantly higher than in recent years. The main reason for this is that many of the activities which have been funded through Supplementary Budgets over the last few years are being absorbed into next year's Annual Budget, in accordance with our financial rules.

While the overall level of contributions to UNHCR has steadily increased each year since 2001, the amount of funding received for the Annual Budget has remained relatively constant. This trend will need to change if next year's higher than usual Annual Budget is to be adequately funded. I count on your support in funding the 2004 Annual Programme Budget.

Ladies and Gentlemen,

Over the last three years I have set in motion various initiatives aimed at strengthening UNHCR's partnerships. An important innovation introduced this year was that of inviting partners at the country level to work more closely with UNHCR in assessing needs, setting objectives and preparing budgets. The idea is to move away from the resource-driven budgeting of recent years towards a more needs-based approach.

In planning next year's activities, I have asked staff in the field to focus on three key areas: first, making better use of services provided by partners in cases where they are able to carry out activities in a more cost effective manner than UNHCR; second, exploring opportunities for partners currently funded by UNHCR to continue the same activities with funding from other sources; and third, supporting – other than financially – projects aimed at meeting unmet refugee needs not included in the UNHCR budget. A copy of the message that I sent to staff describing this process is available. Ultimately, this is not just about funding; it is about adopting an entirely new approach to the whole concept of partnership. It is about putting refugees first, and institutional needs second.

We will continue to strengthen our relations with the NGO community and international organizations, drawing on their expertise and capabilities and looking for further ways to enable them to provide input into our policy-making. I would like to thank NGOs for the many constructive ideas put forward at the "Pre-Excom" meeting last week, which I was sorry to miss.

Ladies and Gentlemen,

Finally, as many of you already know, Mary Ann Wyrsch, my Deputy High Commissioner, will be leaving us in December. Mary Ann informed me of her plans to leave UNHCR for reasons which are both personal and professional in nature, and

I have agreed to her wishes, although not without regret. I would like to thank her for the vital contribution that she has made to the work of the organization, particularly on the management side, over the last three years. We will all miss her. On behalf of everyone in UNHCR, I wish her every success in the future.

Thank you.

ANNEX III

Chairman's summing up of the General Debate

(1 October 2003)

The supportive and constructive nature of your interventions this week has already begun to fulfil one of the goals I mentioned for ExCom in my opening remarks - a substantial and high quality debate. I hope we can maintain this level throughout the coming year.

We all suffer from a sense of deep shock and loss as a result of the tragic events in Baghdad last August. In paying tribute to our dear friend, Sergio Viera de Mello, and other colleagues, you have emphasized the vital importance of ensuring the safety and security of all humanitarian personnel, something one delegation termed "a solemn obligation of the international community", a community which, without doubt, is confronted by a new test requiring thought and action on our part.

Ladies and Gentlemen,

You have expressed strong appreciation for the many achievements of the past year under the leadership of the High Commissioner. One example is the outstanding work UNHCR and other agencies have carried out in their efforts to repatriate and reintegrate refugees and internally displaced persons in Afghanistan. However, you have noted that a great deal remains to be done there in the areas of rehabilitation and reconstruction as well as for those refugees still living in neighbouring countries.

You also expressed appreciation for the pivotal role UNHCR played in the contingency and preparedness efforts in Iraq, and the need to address the protection of returning refugees in the transition period. Other areas cited as having seen positive developments during the last year include Angola, East Timor, Sierra Leone, Burundi, Somalia, Sri Lanka and the eastern portion of the Democratic Republic of the Congo. A number of you also referred to new initiatives being undertaken in your own countries, while calling for the full and speedy implementation of tripartite agreements already concluded.

Despite the decline in the number of refugees, the overall figures for all persons of concern, including internally displaced persons, has actually increased. Several protracted refugee situations remain to be addressed, and many of you highlighted specific situations in your own countries or regions that call for further resources and assistance.

Many delegations noted the continuing burden borne by developing countries hosting refugees. They underlined the impact of large influxes on local communities, especially in the social, economic and environmental spheres. One delegation suggested that humanitarian action should not only rely on central governments, but also seek cooperation with local authorities. Another speaker suggested that signs of host country fatigue must be taken seriously by the donor community, which counts on host countries to provide protection for the bulk of the world's refugees because they have no choice. Turning to thematic issues, you focused much of your attention on the new and continuing initiatives referred to by the High Commissioner in his opening remarks. These include such topics as the

2004 process, Convention Plus, the Forum, the Agenda for Protection, the Framework for Durable Solutions, the asylum/migration nexus, partnerships, funding and related issues.

Many of you welcomed the 2004 process and indicated support for a number of the High Commissioner's proposed actions. The extensive consultations process has been welcomed as an opportunity to compare various positions and points of view. Some of you pointed out that these proposals as well as other initiatives must be built on the foundations of the 1951 Convention and its 1967 Protocol. In lifting the time limitation on the mandate of the Office, we were reminded that this does not mean that the international community should abandon its efforts to resolve refugee problems. At the same time, it was emphasized that UNHCR should maintain its humanitarian and non-political character.

The High Commissioner was commended for his efforts to establish closer linkages with the United Nations system and other partners of UNHCR. As one State highlighted, "Coordination and partnership are of paramount importance because of the growing interconnection between conflict management, humanitarian action, human rights and development policies." Indeed, the importance of partnerships was mentioned in a variety of contexts. Many of you supported the efforts to strengthen UNHCR's engagement with the peace and security pillars of the United Nations as well as development actors, including UNHCR's membership in the United Nations Development Group. In addition, you expressed support for the High Commissioner's intention to strengthen his cooperation with the rest of the United Nations system, the ICRC and NGOs. Several of you gave emphasis to the crucial importance of UNHCR's collaboration with OCHA and the IASC, as well as commending the High Commissioner's decision to seek co-sponsorship in UNAIDS.

The decision to convene a Ministerial Meeting every five years was also welcomed by many as a means to place refugees higher on the international agenda and reaffirm the multilateral character of the Office.

The debate highlighted a wide range of protection issues of global relevance. You welcomed the progress in implementation of the Agenda for Protection, noting that it should guide the international community with regard to asylum and protection and that there is a need to make it even more operational. Others commented on the importance of protecting women and children from exploitation and expressed appreciation for the Guidelines on preventing and responding to Sexual and Gender-based Violence. One delegate underlined that everyone working in the refugee field is involved with protection ("Every UNHCR staffer is a protection officer; every NGO or other humanitarian worker has protection responsibilities"), and suggested that these responsibilities encompass not only legal, but growing physical protection needs. Others echoed the remarks of the Emergency Relief Coordinator regarding the importance of access to refugees and internally displaced persons.

Many delegations welcomed the High Commissioner's Convention Plus initiative as a promising avenue to promote comprehensive solutions to refugee problems while reinforcing international solidarity and burden sharing. A number of delegations felt that the Convention Plus framework could serve to complement the international framework for refugee protection without substituting for the 1951 Convention or 1967 Protocol. Many pledged to cooperate with the Office in giving content to Convention Plus through the development of special agreements and

other actions. In this regard, the Forum was recognized as providing a useful vehicle for developing special agreements, but some emphasized that the initiative should be closely linked to UNHCR's governance structures.

Several delegations saw a close link between Convention Plus and the High Commissioner's Framework for Durable Solutions, including DAR, the 4Rs and DLI. The relevance of the Human Security concept was also mentioned in this context, one delegation stating that it looked forward to mutual cooperation with UNHCR that would enhance each partner's visibility in the field of human security. Some delegations expressed caution about the capacity of developing states to integrate refugees and noted that DLI could not be a solution in protracted situations where there are large numbers of refugees. Others cited the positive example of the Zambia Initiative in promoting refugee self-sufficiency. Several delegations highlighted that the Framework and its components were flexible in nature and offered interesting avenues for action through joint strategic planning with development actors, bilateral aid providers and host governments. While voluntary repatriation remains the solution preferred by most, I was pleased to note the continuing commitment of some states to resettlement both as a durable solution and as a protection tool.

With regard to the asylum/migration nexus, many of you called for a multilateral approach that recognizes that asylum and migration are closely related, maintains the distinction between them in order to help prevent asylum abuse. You showed interest in the establishment of the Geneva Migration Group and other efforts to promote cooperation with IOM, ILO, the Office of the High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and other organisations involved with migration issues.

Let me now refer to the numerous comments on issues relating to funding. It was gratifying to hear so many of you indicate that you will equal or exceed your contributions from last year. At the heart of your discussion was the recognition on all sides that international solidarity and burden sharing is a must.

There was general recognition that UNHCR suffers from inadequate funding, that funding needs to be predictable and sustainable, and that donors need to accept collective responsibility for UNHCR's budget. At the same time, UNHCR was urged to employ more rigorous financial management to enhance credibility and to make the most effective use of the resources it has available. Support was also expressed by many for using a needs-based budget approach. Some of you welcomed new initiatives regarding the Annual Programme Budget and most speakers agreed with the aims of broadening the donor base and expanding private sector funding. Many emphasized that the voluntary nature of UNHCR's budget should be retained. Some expressed support for the 30% Base Level model, and encouraged the High Commissioner to engage in bilateral negotiations with donors in this regard.

Finally, I would like to welcome the comments made by delegations reiterating the Committee's desire to review its working methods in the coming year in order to identify more efficient and effective working methods.

Ladies and Gentlemen,

All of your comments have contributed to a very constructive discussion that I'm sure will be well-received by UNHCR. The comments should help us move forward in our common endeavour to provide protection and seek durable solutions

for refugees. And I must emphasize here that it is a common endeavour. As one delegate noted in his remarks yesterday, "Creating an environment for refugees, conducive to a dignified life, whether in a host country or upon return to the country of origin, is of utmost importance".

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